



# Columbia

## PUBLIC SCHOOLS

**Vision:** To be the best school district in our state

**Mission:** To provide an excellent education for all our students

**Dr. Peter Stiepleman**, Superintendent of Schools

### ASLIN ADMINISTRATION BUILDING

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March 3, 2020

VIA EMAIL ONLY TO: Ron.Hicks@house.mo.gov

Representative Ron Hicks

Missouri House of Representatives

201 West Capitol Ave.

Room 235

Jefferson City, MO 65101

Re: House Special Committee or Regulatory Oversight and Reform  
March 4, 2020 Hearing

Dear Representative Hicks,

We are in receipt of your March 2, 2020 letter inviting Columbia Public Schools ("District") to provide input at a public hearing tomorrow, Wednesday, March 4. Unfortunately, the District is unable to make personnel and its Board President available for the hearing given the short notice provided. The District does request, however, that the Committee review and consider the information outlined below in response to the items addressed in your letter.

#### *Board Policy JGGA*

With regard to the District's Board Policy JGGA, Seclusion, Isolation and Restraint, that policy is based on a form policy that is widely-used throughout school districts in the State of Missouri. As you may be aware, the District made changes to its Board Policy JGGA after input from stakeholder groups within the District, including its staff and the public.

Seclusion, isolation and restraint as outlined in this policy are also things that are only used as outlined in an individualized plan for a student with a disability, and/or once other de-escalation techniques have failed—these are not the District's first response to student behavior. The District provides multi-tiered organizational, policy, and procedural supports, like Positive Behavioral Intervention and Supports ("PBIS"), that enable educators to be effective in preventing and responding to problem behaviors and prevent the need for seclusion and restraint. The District has been "Exemplar" in School-wide Positive Behavioral Interventions and Supports ("SWPBIS") every year since 2017. Exemplar schools are selected by Missouri School-wide Positive Behavior Support ("MO SW-PBIS") because the District demonstrates superior performance in the implementation and application of SWPBIS. The District continues to implement SWPBIS in all buildings and continues to pursue excellence in doing so.

The District follows its policy in carrying out any of the techniques described within the policy, and thoroughly investigates and responds to any allegations that the policy has not been followed.



## *Seclusion and Isolation*

The policy defines “seclusion” and “isolation” in the following ways:

**Seclusion** – The confinement of a student alone in an enclosed space from which the student is physically prevented from leaving by locking hardware.

**Isolation** - The confinement of a student alone in an enclosed space without locking hardware. Isolation does not include supervised in-school suspension, detention or time-out used as disciplinary consequences in accordance with the district’s student discipline code.

Under the policy, the use of “seclusion” is “prohibited except in an emergency situation while awaiting the arrival of law enforcement officers as provided for in state law.”

Under the policy, “isolation” will never be used as a form of punishment or for the convenience of personnel. Additionally, it may only be used under the following circumstances:

- In an emergency situation, or
- When less restrictive measures have not effectively de-escalated the situation and the school has a behavior plan for how to respond in such situations, or
- As specified in a student’s IEP, Section 504 plan or other agreed-upon plan to address a student’s behavior.

A student in isolation must be monitored by personnel who are in close proximity and able to see and hear the student at all times. Monitoring shall be face to face unless personal safety is significantly compromised, in which case technology-supported monitoring may be utilized.

Additionally, a student will only be in isolation for the length of time necessary to address the emergency or in accordance with the applicable plan. The space in which the student is isolated should be a normal-sized room or classroom with standard lighting, ventilation and ceiling height.

## *Restraint*

The policy also discusses restraint, which is separated into two definitions – mechanical restraint and physical restraint.

Mechanical restraint involves the use of devices or physical objects that students cannot easily remove that restrict a student’s freedom of movement or normal access to a portion of his or her body. This term does not include assistive technology devices, which are devices that are used to increase, maintain or improve the functional capacities of a student with a disability. Mechanical restraints are prohibited



unless they are used as specified in a student's IEP or Section 504 plan, are used by law enforcement officers in accordance with appropriate professional standards and applicable policies, or are vehicle safety restraints.

Physical restraint is, "the use of person-to-person physical contact to restrict the free movement of all or a portion of a student's body." It does not include briefly holding a student without undue force for instructional or other purposes, briefly holding a student to calm the student, taking a student's hand to transport him or her for safety purposes, physical escort, or intervening in a fight.

Physical restraint may only be used in the following instances:

- In an emergency situation, or
- When less restrictive measures have not effectively de-escalated the situation and the school has a behavior plan for how to respond in such situations, or
- As specified in a student's IEP, Section 504 plan or other agreed-upon plan to address a student's behavior.

Physical restraint may only be used for as long as necessary to resolve the actual risk of danger of harm that warranted the use of the restraint; it must be no greater than the degree of force necessary to protect the student or other persons from imminent bodily injury or to protect property; it must not place pressure or weight on the body that would restrict breathing; and it may only be done by trained personnel and in the presence of the line of sight of another adult, except in an emergency in which no adult is immediately available. Physical restraint must never be used as a form of punishment or for convenience of personnel.

### *The IEP and Section 504 Processes*

As outlined within Board Policy JGGA, seclusion is prohibited in all instances except in an emergency situation while awaiting the arrival of law enforcement officers.

Isolation and restraint may be used, however, in emergency situations, or when a student's Individualized Education Program ("IEP") or Section 504 Team determines those techniques should be used for a student with a disability.

IEPs are individualized plans for educating students with disabilities, which are required under the Individuals with Disabilities Education Act ("IDEA"). These plans outline the specialized instruction, supports and services needed by an individual student as a result of the student's disability.

Section 504 Plans are requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), which outline the accommodations and services necessary to provide a student with a disability a free and



appropriate public education. These plans differ from IEPs because students eligible under Section 504 have disabilities, but don't need specialized instruction as a result of those disabilities.

Both IEPs and 504 Plans are developed by teams of professionals with expertise regarding the student's specific needs, as well as their parents or guardians and individuals deemed necessary by the parents or guardians. Any changes to these plans must be made by a consensus of the team convened to make those decisions, and plans may only be implemented upon informed consent of the parent or guardian.

Additionally, when students with disabilities exhibit behaviors that impede the learning of themselves or others, the District is required to complete a Functional Behavioral Assessment ("FBA") and develop a Behavioral Intervention Plan ("BIP") for the student. The FBA is an assessment tool that helps identify problematic behaviors of students with disabilities and develop a hypothesis regarding the antecedents to and functions of those behaviors. The FBA then provides data to the IEP or 504 Team, which includes the parents, in order for the team to develop a BIP for the student outlining strategies and interventions to address the behavior. If a BIP is developed for a student, it is made part of that student's IEP or 504 Plan.

Under federal and state law, IEPs and 504 Plans must be implemented as written by the teams.

"Time out" and "calm down" are techniques that will typically be used as intervention strategies or de-escalation techniques within a BIP. Time out is a brief removal from sources of positive reinforcement that does not meet the definition of seclusion or isolation. The purpose of "time out" is to separate the student from the attention of staff and other students, and is a reactive strategy that can be used inside or outside the student's classroom, such as a safe seat, buddy room, or recovery room. This space may also be used as a calm down space.

"Calm down" is a precursor when a student is starting to escalate and needs a space to calm down. This is a preventative strategy which can also be used inside or outside the classroom, but is an area that a teacher can suggest in moments of escalation, or that a student can request to go to if they feel they need to calm down.

Seclusion and restraint are not "behavioral interventions" that are used by the District. These are safety procedures of last resort when a student's behavior presents an imminent physical threat to him/herself or others and when other progressive de-escalation interventions have failed, including but not limited to "time out" and "calm down."

### *Agreement with Catapult Learning, LLC*

Catapult Learning, LLC ("Catapult") is a third-party entity the District contracts with to provide services at both High Road School of Boone County and the Center of Responsive Education ("CORE") through the Following One's Course Until Successful ("FOCUS") program. CORE is the District's facility used to educate students with disabilities who need intensive support. High Road School of Boone County is an "approved



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private agency” run by Catapult that the Missouri Department of Elementary and Secondary Education (“DESE”) has approved to provide public students with special education services. Catapult also operates the FOCUS program. As students meet goals within the High Road School, they may transition to FOCUS, as a tier of support before students are then transitioned into CORE as they continue to meet goals. FOCUS and CORE are housed in the same building.

As outlined above, students receive services and instruction from Catapult as outlined in the students’ Individualized Education Plans (“IEPs”). Students are referred to Catapult when CPS is no longer the student’s least restrictive environment along the continuum of special educational placements. The continuum of placements moves from least restrictive to most restrictive, and the restrictiveness of a placement depends in large part on how much interaction a student has with peers. Catapult is often the final placement option before the student’s team considers whether the student should be placed in a residential facility because they are unable receive educational benefit without residential care, or on homebound instruction because they are unable to receive an educational benefit when interacting with peers.

Catapult implements the IEP as developed by the student’s IEP Team, and Catapult is required by its contract to follow Board Policies in educating the District’s students through the FOCUS program. Parents also sign off on all procedures used at Catapult when a student is in their care.

The District’s primary goal is to educate its students in an environment that ensures their success and well-being. We appreciate your consideration of the above, and welcome any further inquiries you may have.

Sincerely,

**Dr. Peter Stiepleman**  
Superintendent